

**Notice of Allowability**

Application No.

09/871,119

Applicant(s)

DAVIE ET AL.

Examiner

Tanim Hossain

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/22/07.
2. ☒ The allowed claim(s) is/are 1, 5, 6, 8-11, 13, 15, 16, 18-20, 40, 41, 43, 44 and 47-65.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>03302007</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|  | 9. <input type="checkbox"/> Other _____  |

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER

**DETAILED ACTION**

***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James A. Blanchette on March 28, 2007.

The application has been amended as follows. Please amend the claims as set forth below:

Claim 19. (CURRENTLY AMENDED) A router, comprising:

means for receiving a first resource reservation message from a destination entity, the first resource reservation message identifying a traffic flow between one or more entities and ~~[[a]]~~ the destination entity, the first resource reservation message requesting a reservation of resources;

means for allocating, in response to the first resource reservation message, one or more of the router's resources for use in forwarding network traffic between the one or more entities and the destination entity, but not making available the one or more router's resources to the identified traffic flow;

means for receiving a second resource reservation message from the destination entity;  
and

means for making available, in response to the second resource reservation message, the one or more router's resources to the identified traffic flow.

Claim 20. (CURRENTLY AMENDED) A computer readable media having information written thereon, the information having instructions for execution on a processor for operating a router, the instructions for:

receiving a first resource reservation message from a destination entity, the first resource reservation message identifying a traffic flow between one or more entities and ~~[[a]]~~ the destination entity, the first resource reservation message requesting a reservation of resources;

allocating, in response to the first resource reservation message, one or more of the router's resources for use in forwarding network traffic between the one or more entities and the destination entity, but not making available the one or more router's resources to the identified traffic flow;

receiving a second resource reservation message from the destination entity; and  
making available, in response to the second resource reservation message, the one or more router's resources to the identified traffic flow.

*Allowable Subject Matter*

Claims 1, 5, 6, 8-11, 13, 15, 16, 18-20, 40, 41, 43, 44, and 47-65 are allowed.

The following is an examiner's statement of reasons for allowance: The amended claims feature a network device having a traffic scheduler that forwards network traffic received at the device, a classification engine that identifies the network traffic based on some criteria, and a resource reservation engine coupled to the traffic scheduler and classification engine. The reservation engine, in response to a request from a destination entity, allocates resources for the traffic dedicated to the request, but does not make the resources available to the traffic until the reservation engine receives a second request to reserve resources from the destination entity. This second request indicates that the destination entity accepts the traffic flow. Because the release of the resources requires two reservation messages (one for allocation of the resources, and another for making them available) from the destination entity, it is believed that the claimed invention is novel. The examiner was unable to procure prior teachings of such features as claimed by the amended claims and could not render said features obvious to one of ordinary skill in the art without the use of impermissible hindsight constructions. Additionally, Applicant's remarks regarding the claim amendments and the provided prior art references' deficiencies are persuasive in that none of the references, taken singly, or in combination teach the newly claimed features. Furthermore, the amendments to the claims, as discussed in the interview with Applicant's representative, as set forth above, render the claims allowable. It is therefore the examiner's belief that the claimed invention does indeed possess novelty.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should clearly be labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571/272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tanim Hossain

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Patent Examiner

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